

ARGUMENT IN THE PEABODY CASE

Ex-Governor Thomas Evidently in Good Form.

SARCASM AND INVECTIVE HOT ONE HANDED TO OPPOSING COUNSEL.

Denver, March 7.—Argument by attorneys in the Peabody-Adams gubernatorial contest was concluded today. Former Governor Charles S. Thomas made the final address on behalf of Governor Alva Adams, speaking for three hours, and John M. Waldron closed for the contest, James H. Peabody, with a two-hour speech.

Beginning tomorrow morning the thousands of people assembled will discuss the contest under a rule limiting speeches to ten minutes for each member. There are ninety-seven members in the contest.

Will Await Report.

The joint convention has indicated a purpose, however, not to take a vote until a report is received from the committee appointed to investigate bribery charges on the statement of Senator Richard W. Morgan that James M. Herbert, vice president of the Colorado & Southern railroad, and Daniel Sullivan, postmaster at Cripple Creek, had offered him \$10,000 to vote for Adams, and that Herbert had given him \$250 of this amount. The committee met last night to open its investigation, but adjourned until tonight, without hearing any testimony on account of the absence of the senator who made the bribery charges.

Hot One From Thomas.

Former Governor Thomas' speech was a logical presentation of the case of the contest, punctuated with scathing sarcasm and invective. "Where are your cap and bells this morning?" asked Attorney Waldron, when one of Mr. Thomas' lies penetrated a little further than others had.

"If I had known you wanted them, I would have brought them," replied Mr. Thomas, "for the cap and bells of your character you have assumed on this floor."

Mr. Thomas opened his speech with an argument against the proposition promulgated by Attorney Waldron that the contest was one to be decided on partisan lines.

Answering the statement of the Peabody attorney, that a "body cannot be made of the eastern front," Mr. Thomas suggested that if this rule is to prevail it would be necessary to throw out the entire county of Denver together with the outside counties in which fraud was shown.

Peabody Had No Case.

"If this case was pending before the supreme court," said Mr. Thomas, "the contest could come into court and ask for a non-suit. I will not be asked for a non-suit, but I will be asked for a non-suit."

He ridiculed the claims of conspiracy and sarcasm, remarking that he supposed the speaker was the only "wholesome" man in the contest.

"If the experts were good for anything, they would be good for the good from the bad ballots and the good ballots should be counted," said counsel in his argument against throwing out the entire vote of the precincts where alleged frauds existed.

Huerfano County Also.

In regard to the failure of election officials to administer an oath to illiterate voters, the former governor said that he was in a case for throwing out precincts in Denver, then the precincts in Huerfano, which were before the contest committee, must be thrown out, as it is not fair to throw out one and not the other.

Argument Ended.

This afternoon Mr. Thomas devoted himself to an analysis of the vote cast last November and produced figures to support his contention that Peabody's vote for governor was considerably less than all five counties of the state that he received by any other Republican candidate on the ticket.

At the close of his speech, Mr. Thomas, in his rebuttal, replied briefly to the arguments of the several attorneys who spoke for the contest. He closed by reminding Mr. Thomas that his reference to corporations was untrue, as there were corporations behind each party to the contest.

Burnett's Vanilla

leaves a good taste in the mouth. It is pure and wholesome. Don't be cheated with cheap goods.

Richardson & Adams

"A CLOTHES SHOP FOR MEN."

At "The Sign of the Four" THIS

172 MAIN STREET.

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INDICATIONS POINT TO DEFEAT OF KUROPATKIN

(Continued from Page 1.)

Believe Kuropatkin Defeated.

The commander-in-chief has been confining his strategy, as at Liao Yang, to meeting the attacks of the Japanese and accepting battle at places chosen by Field Marshal Oyama.

Both sides are terribly exhausted by ten days of continuous fighting, and all the correspondents at the front intimate that the issue must be decided definitely today.

Result Politically.

Politically the result may determine the question of continuing prosecution of the war. An overwhelming disaster, if it comes, will surely bring Russia to terms, but anything less might not break the stubborn resolution of the Russian government. In its bearing on the Russian situation, the result of the battle is regarded as equally important.

No exact figures are hazarded as to the losses, although it is evident that they will exceed those at Liao Yang on both sides. According to all accounts the Japanese, who had attacked, were driven from Mukden everywhere except in the west. In the matter of supplying food and ammunition the Russians, occupying defensive lines, enjoy a great advantage, which may prove decisive at the crucial moment, all the dispatches from the front dwelling upon the terrible exhaustion and hunger of prisoners who have been captured.

TERRIFIC FIGHTING.

Night and Day the Slaughter Has Been Proceeding.

Mukden, March 7.—The outlines of Marshal Oyama's strategy have been well defined since March 4. While maintaining a series of energetic attacks on the eastern front, the Japanese made their principal stroke westward, to break through the triangle of Ulinpu, Madyapu and Erhitaitzu, thus severing the eastern army and the frontal force from the main body of the Japanese.

Rain of Big Shells.

There was a terrific artillery fire and a rain of missiles from ten batteries on the whole ground between Nianguan-tung and Ulinpu. Major General Tserkopski's battalions fought with determination, apparently realizing that seven miles in the rear, in Mukden, the Russian army was being cut off from the rear and the front.

The Japanese, like madmen, or as though crazed with some drug, threw themselves upon the regiment occupying a position east of the old railway embankment and drove it eastward, occupying the railway bed to the south, where Erhitaitzu, where the same mad attack was met by a stubborn resistance.

At dawn on March 5 began a fight long to be remembered in the history of wars. It was of terrific grandeur, and might be compared to a vast tumult of lead, shrapnel and bullets pelting mercilessly a strip of land twenty miles long and seven miles broad, with the explosion of shells, the roar of the sea-like work of six-inch shells razing whole villages. Through the Japanese and Russian lines, charged and counter charged by regiments. Though some of these have been pounded by batteries continuous-

ly for six days, they fought with amazing determination and firmness. Regiments were reduced to companies, and companies to squads, but these managed to unite and with fresh troops the attack was continued with which they entered the fray.

Fought Till Nightfall.

South of Kushantun, in the region of Madyapu sanguinary fighting was kept up till nightfall. The Japanese were intensely determined to break through at this point. The soil of the river valley is thickly sown with bits of shrapnel casing and of large and small calibre, covered in places with green oxide, resulting from the explosion of mortar, shrapnel and shrapnel. Often men dropped dead, suffocated with the stifling fumes of smokeless powder and the fumes of high explosives.

At this point, it is written, at 8 o'clock a. m., the fight is again raging with all the intensity of yesterday and increasing constantly.

HOPE VANISHING.

St. Petersburg Fears the Worst is About to Happen.

St. Petersburg, March 7, 1:30 p. m.—All hope that General Kuropatkin will be able to turn defeat into victory is rapidly vanishing. The position of the Russian army has been growing increasingly desperate during the last twenty-four hours. The gravest danger is from the Japanese left, which has been pushed northward on the Shumintun road to a point eight miles northwest of Mukden, where it has joined a flank attack from the west around the village of Tatchekiao, which is located at this point.

The battle waged with terrible bitterness throughout yesterday, with all the reserves hurried to the scene to block the stroke at the Russian line of communication.

Russian Attack Abortive.

Baron Kaubars, who is defending this wing, is only able to hold his own. On account of the desperate situation there General Kuropatkin has not attempted to drive home his counterstroke at the Japanese center, and his offensive, which was abortive, has been abandoned.

At the same time encouraged by the progress of the main turning movement west, General Kuropatkin pressed forward from the east yesterday against General Linvitch, forcing the Russians to give ground.

It is rumored that Kuropatkin has already given the order to retreat, and that he is gradually withdrawing forces from the center, but experts are inclined to believe that he has waited too long that he must fight it out in his present position, and that it is impossible to extricate more than the remnants of his army.

Japs Using Big Guns.

At the war office it is said that the Japanese siege guns from Port Arthur, with a range of eight miles, are causing terrible punishments. Nothing can stand before the Russian guns.

The only news received at the war office up to this hour is that the battle was resumed at daylight this morning.

At Tatchekiao, during the night, the Japanese army was not sufficiently strong to accomplish its purpose, and a movement undertaken and held its front positions. Nevertheless, there was open criticism of Kuropatkin's generalship.

While opinions were freely expressed, the general staff has little news available beyond the official dispatches.

According to the Associated Press dispatches, the Russian army has been obliged to sacrifice vast quantities of stores early in the fighting south of Mukden, in order to prevent them from falling into the hands of the Japanese.

FIGHT AT THE WESTWARD.

Delayed Dispatch.

Russian Story of Battle Dated March 5.

St. Petersburg, March 7.—A dispatch from General Kuropatkin, dated March 5, says:

"On the right bank of the Hun river the Japanese had advanced to Nuelintong and were repulsed and our detachments, resulting in the capture of Nuelintong and several other villages.

The enemy also attacked Elaitai and was driven off.

An assault by the Japanese on Kandolant was repulsed. The enemy retired southward to our former positions. Our sharpshooters advanced so far as Shunshui and Chankhezy, having forced the Japanese to retire. Near Oubepusa the Japanese retired to their former positions.

"Our troops, after some fighting, took possession of a hill near Kudiatse, dominating the surrounding country."

Tokio View.

Tokio, March 7.—The greatest concentration of the Japanese defending Fushun seems to be along the line from Tachia to Machuntan. General Kuropatkin continues resolutely to defend the Russian position at Fushun. The operations in that vicinity do not indicate whether Kuropatkin intends to fight the battle of Fushun or to hold Fushun to protect the army on the Shakhe river.

SIXTH DAY OF BATTLE.

Fight on Right Flank Raged With Undiminished Vigor.

Mukden, March 6.—(Delayed in transmission.)—The sixth day of the battle on the Russian right flank raged with undiminished vigor. The Japanese made good their position at Tachia, and pushed the contest north to the strongest banks of the Shakhe river.

Four miles from the main battle line, though apparently no nearer, as was the case in the battle of Liao Yang, the Japanese are engaged where the battle is progressing now, so near that the whole of them are moving more northward in a day's tour.

The losses already exceed those in the battle of Liao Yang on the Russian side, and the Japanese are supposed to have suffered much more, though this does not seem to shake the Japanese tenacity. For noon today they attacked Yenhsintun, advancing their infantry and provoking a counter-attack, which was first reported to have resulted in Russian victory.

Yenhsintun about 2 o'clock in the afternoon, when the artillery battle increased furiously, shelling was directed at many buildings, the smoke from which, joining a dust storm, shrouded the plain in clouds in which the battle raged and the Russian army was hidden.

The appearance of this region, which has now been two days under fire, bears witness to the intensity of the fighting. Increasing in number, while dead and maimed strewn the ground. The troops have been seven days without rest, and their powers of resistance are declining. They plainly show the strain of the terrible week. The ground is deeply frozen.

His Man Friday.

Washington, March 7.—The first appointment made by Postmaster General William C. Brewster, who is expected to be his private secretary, Mr. Weaver, sustained this relation to Mr. Cortelyou during the last two days of the Shakhe, Erhitaitzu and Tachia, and then to New York, when Mr. Cortelyou assumed the management of the Republican campaign.

POLICE USED THE LASH.

Wagawag, March 7.—The strike of men carrying the strike today collapsed. This is attributed to the action of the police, who have severely whipped domestics.

WAYMA'S REPORT.

Everything Progressing Favorably For Japanese.

Tokio, March 7, 5 p. m.—The following dispatch was received today from the headquarters of the Japanese army:

"In the Shingking (Yenden) direction, the enemy in the neighborhood of Tachia made several counterattacks Monday which were repulsed. Our attacks against Machuntan, despite the obstinate resistance, proceed. Gradually part of our force at 5 o'clock Monday night occupied the northeastern heights of Machuntan, about four miles south of Machuntan. In the morning the enemy retreated towards Sanghantzu, three miles southeast of Machuntan. On Sunday night the enemy was attacked on their front near Sacha, but was repulsed.

In the Shakhe river direction, east of here, Sunday night an enemy counter attack north of Tungshien, was repulsed. Otherwise the situation is unchanged. West of the railroad our force is now engaging the enemy, occupying positions east of Hanchenopao. The Japanese are attacking the enemy from the west. The enemy is resisting stubbornly.

"On the right of the Hun river Monday morning our division of the enemy was attacked on their front near Sacha, but was repulsed.

KUROPATKIN'S DISPATCHES.

Hope Once More Revived in St. Petersburg.

St. Petersburg, March 7.—General Kuropatkin, in a dispatch dated March 6, says he could thirty days ago, Japanese and 2,000 men in front of the Gaotu pass position. The Russians buried many of the Japanese.

Another dispatch from General Kuropatkin, dated March 6, says:

"The center is quiet. The Russian flank west of Mukden continues its offensive. The Japanese attempted to occupy a village, name unknown, but were repulsed after three hours' fighting.

"The Japanese have again attacked the Russian positions at Oubepusa and were repulsed there, and also at Tomaguchen with enormous loss. The Japanese are attacking the left flank of the Russian army. The left has occupied a defile ten miles east of Kondiatse, driving back a squadron of the Japanese. The Japanese who left their dead and threw away their arms in their flight."

Better Feeling Prevailed.

After the receipt of General Kuropatkin's official dispatches of March 6, a better feeling prevailed in the war office, where the opinion was obtained that Kuropatkin by an energetic offensive might turn the day. The belief was expressed that Field Marshal Oyama's army was not sufficiently strong to accomplish its purpose, and a movement undertaken and held its front positions. Nevertheless, there was open criticism of Kuropatkin's generalship.

While opinions were freely expressed, the general staff has little news available beyond the official dispatches.

According to the Associated Press dispatches, the Russian army has been obliged to sacrifice vast quantities of stores early in the fighting south of Mukden, in order to prevent them from falling into the hands of the Japanese.

THEATRICAL MANAGER SUFFERED A STROKE OF APOPLEXY.

New York, March 7.—A. M. Palmer, the theatrical manager, who was stricken yesterday with apoplexy, died today.

Mr. Palmer was for years the most prominent theatrical manager in America. He was 67 years of age. Mr. Palmer was a native of Connecticut. For ten years, beginning in 1872, he was manager of Union Square theatre and later of the Lyceum theatre.

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RAILWAY EXTENSION IN CENTRAL WYOMING

(Special to The Herald.)

Cheyenne, Wyo., March 7.—Ex-Governor Madison, chief counsel for the Burlington railway and Chief Attorney White of the Chicago & North-western railway, were here yesterday and met with the state board of charities and reform.

The Burlington and Chicago & North-western are building the Wind River Indian reservation, the former from Grants on the Cody-Talaca line, in the Big Horn basin, and the latter from Casper. There is only one feasible route entering Thermopolis, on the edge of the reservation, and for a time it looked as though there would be a big fight between the two corporations for a right of way over this route.

The meeting with the state board was to arrange the details of the merger, as permission must be secured from the state to cross the reserve at Thermopolis.

It is understood that the Burlington will build a line to Thermopolis this year, the line starting from Frannie. Work on this line, also on the North-western extension from Casper, will be commenced soon.

WON'T MAKE UP.

Buffalo Bill Has Had Enough of Mrs. Cody.

Omaha, Neb., March 7.—During the course of his deposition in his petition for divorce from Mrs. Cody (Buffalo Bill) today declared that he could not accept any reconciliation with Mrs. Cody and declared he would have absolutely nothing to do with her in the future. This declaration was made as the result, as Colonel Cody stated, of Mrs. Cody having charged him with being the murderer of their daughter Arta and announcing publicly that she would denounce him over her grave.

This declaration was brought out during the cross-examination. The "Kansas Leader" says it was of a statutory nature, the Wyoming courts accepting testimony regarding reconciliation and reasons for and against it.

Attorney Ridgely, for Colonel Cody, stated that Mrs. Cody had not been sincere in her expressed wish for reconciliation, and in making it had placed such conditions on her acceptance of such an event as to preclude any chance of Cody's accepting it. Ridgely stated that the colonel had sent Dr. Powell to Mrs. Cody in the hope of reconciling her to him, but that she had received Powell in a manner that made it impossible for Cody to further consider any further from her or to make any.

A. M. PALMER DEAD.

Theatrical Manager Suffered a Stroke of Apoplexy.

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